

**ORDINANCE NO. 2020-04**

**ORDINANCE NO. 2020-04 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING SECTION 8.14 (TRANSFER OF SICK LEAVE) OF THE CITY OF BURNET PERSONNEL POLICY AND PROCEDURES MANUAL; PROVIDING SEVERABILITY; PROVIDING AN EFFECTIVE DATE, PROVIDING OPEN MEETINGS CLAUSE(S); AND PROVIDING FOR RELATED MATTERS.**

**Whereas**, the City of Burnet has previously adopted Ordinance No. 2009-31 the Personnel Policy Manual December 8, 2009; and

**Whereas**, the City of Burnet, due to changes in policies, and state or federal law from time to time, needs to make certain amendments to said policies; and

**Whereas**, amendments to said policies are necessary for the betterment of the City's employees and to ensure proper efficiency in City operations.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, THAT:**

**Section 1. Findings of Fact.** The findings and recitations set out herein above are found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

**Section 2. Repeal of Conflicting Ordinances.** All Ordinances or parts thereof in conflict herewith are amended to the extent of such conflict only.

**Section 3. Adoption of Amended Personnel Policy.** Section 8.14 of the City's Personnel Policy is hereby amended, repealed and replaced in its entirety with Exhibit "A" attached herewith.

**Section 4. Severability.** If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications hereof which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

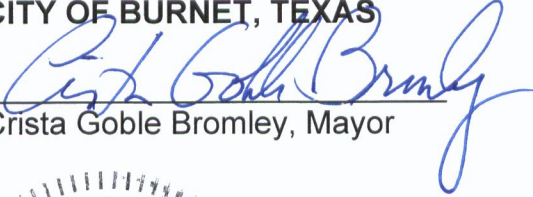
**Section 5. Open Meetings.** That it is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapt. 551, Loc. Gov't. Code.

**Section 6. Effective Date.** This ordinance shall take effect immediately upon its adoption by the City Council and publication as required by the Local Government Code.

**PASSED AND APPROVED** the first reading on this 11th day of February 2020.

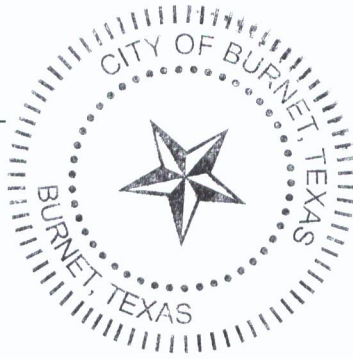
**FINALLY PASSED AND APPROVED** on this 25th day of February 2020.

**CITY OF BURNET, TEXAS**

  
Crista Goble Bromley, Mayor

**ATTEST:**

  
Kelly Dix, City Secretary



## **TRANSFER OF SICK LEAVE**

The purpose of the City of Burnet's Transfer of Sick Leave policy is to establish a method of transferring accrued sick leave from one employee to another employee who has suffered a catastrophic injury or illness and forces the employee or eligible dependent to exhaust all leave time earned and to lose compensation. This is accomplished through voluntary contributions of accrued sick leave from active employees.

### **Definitions**

Catastrophic shall be defined as a severe injury or illness requiring prolonged (long-term) hospitalization or recovery; a medical diagnosis or surgery that is debilitating, or a severely complicated disability, or other serious medical condition as defined under FMLA guidelines. (Examples of catastrophic illness are Heart Disease, Cancer, complications of Diabetes, AIDS, Stroke).

### **Eligibility**

- Any benefit-eligible City of Burnet employee who has worked for the City for at least 3 months.
- Transfer of sick leave may be used for the employee's own catastrophic injury or illness or for the catastrophic injury or illness of an eligible dependent. An eligible dependent is defined as legal spouse, employee's parents, natural child\*, adopted child\*, or child for whom the employee is the legal guardian\* (\*child up to age 25 or no age restriction if disabled).
- Eligibility is discontinued upon termination of employment, retirement or death of the employee. No continuation or payment of benefits will be made to survivors.

### **Guidelines to Transfer Sick Leave**

- Participation in the Sick Leave Transfer policy shall, at all times, be voluntary on the part of any employee.
- Employees must show proof of need.
- Employee must have a minimum of 240 hours of sick leave remaining in their balance following contribution.
- Employee may contribute not less than 8 hours nor more than 80 hours at one time.

### **Guidelines for Employee Receiving Transfer of Sick Leave**

- An employee shall not be eligible for transferred sick leave until all of his or her own accrued vacation time, personal days, flex or comp time, sick leave or other forms of available leave have been exhausted.



- All requests for a transfer of sick leave shall be accompanied by a physician's statement which shall include the beginning date of the illness or injury, a description of the illness or injury, and the prognosis for recovery.
- All medical reports shall be kept confidential in the employee's medical file in the Human Resources Department.
- A recipient must not be receiving, or be eligible to receive, compensation for absence from work under the Workers' Compensation benefit plan.
- Upon termination, retirement, or death, neither the recipient of the transferred leave nor the recipient's estate shall be entitled to payment for unused sick leave acquired from a sick leave transfer.
- Sick leave hours must be transferred bi-weekly and may not exceed the number of hours necessary to fulfill the employees standard work period.
- Donated leave will be paid to the recipient on the regular payroll schedule and normal payroll deductions will be withheld.
- It is the employee's responsibility requesting a transfer of sick leave to request voluntary contributions.

### **Restrictions**

- Any abuse of the use of the sick leave transfer shall be investigated by the City and upon a finding of wrongdoing on the part of a participating employee, that employee shall repay all sick leave days transferred and may be subject to disciplinary action. An employee required to repay the sick leave will have all accruing vacation and sick leave transferred to the donor until the donor has been repaid for the amount owed.
- Once leave has been donated to the eligible employee, neither the donor nor the eligible employee may revoke the transaction.
- Upon returning to full duty, the employee may not receive additional sick leave donations.
- Employees are prohibited from receiving monetary or any other compensation or benefits in exchange for donating leave hours.

### **Confidentially**

- Any and all medical information forwarded to the Human Resources Department will remain confidential and will not be shared with other employees in the department or elsewhere in the organization beyond that necessary for accounting and/or reporting purposes.

### **Appeal Process**

- Provisions for appeal of adverse decisions affecting a participating employee's abuse of the sick leave transfer shall be made in the normal appeal process. (Personnel Policy 15.03)